



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,488	05/08/2001	Gene Williams	2001-1400-RA	3797

30184 7590 02/25/2004

MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C.  
1899 POWERS FERRY ROAD  
SUITE 310  
ATLANTA, GA 30339

EXAMINER

AU, SCOTT D

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 02/25/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/851,488

Applicant(s)

WILLIAMS, GENE

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2635

### DETAILED ACTION

The application of Williams for a "Motion activated communication devices" filed May 8, 2001 has been examined.

Claims 1 and 3-21 are pending.

Claim 2 is cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth et al. (US# 5,406,618).

Referring to claim 1, Knuth et al. disclose a communication system for managing messages, comprising:

means (32) (i.e. record and playback means) for retrievably storing at least one message;

means (32) (i.e. record and playback means) for retrieving said at least one message;

means (26) (i.e. audio control circuitry) for transmitting said at least one message to a user (col. 3 lines 1-42; see Figure 1); and

at least one motion detector (42) (i.e. proximity sensor) for detecting motion within a selected range of said communication system, wherein said means (32) (i.e. record and playback means) for retrievably storing said message, said means (32) (i.e. record and playback means) for retrieving said message and said means (26) (i.e. audio control circuitry) for transmitting said message to a user are in communication with said at least one motion detector (42) (i.e. a proximity sensor), and wherein said at least one motion detector (42) (i.e. a proximity sensor) transmits a signal upon detection of motion within said selected range of said communication system and activates said means for transmitting said at least one message (col. 2 lines 7-19 and col. 3 lines 1-42; see Figure 1).

Referring to claim 3, Knuth et al. disclose the communication system for managing messages of claim 1 above, wherein said at least one motion detector is an infrared radiation detector (col. 3 lines 30-32).

Referring to claim 4, Knuth et al. disclose the communication system for managing messages of claim 1 above, wherein said at least one motion detector is an optical system (col. 3 line 25).

Referring to claim 5, Knuth et al. disclose the communication system for managing messages of claim 1 above, wherein said voice control system (36) (i.e. voice recognition circuit) receives, recognizes and interprets a plurality of voice commands and directs said microprocessor (18) (i.e. microprocessor) in accordance with a control objective of each said voice command (col. 2 line 60 to col. 3 line 32 and col. 4 lines 31-65; see Figure 1).

Referring to claim 6, Knuth et al. disclose the communication system for managing messages of claim 5 above, wherein said microprocessor (18) utilizes a software programmed vocabulary to execute said control objective of each said voice command (col. 4 lines 31-65).

Referring to claim 8, Knuth et al. disclose the communication system for managing messages of claim 1 above, further comprising a timer apparatus, wherein operation of said at least one motion detector is limited to a specified interval of said timer apparatus (col. 5 lines 14-17).

Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Hartstein (US# 6,483,695).

Referring to claim 21, Hartstein discloses a method of managing electronic messages, comprising the steps of:

- a. obtaining a communication system for managing messages, comprising means (i.e. a memory) for retrievably storing at least one message (col. 3 lines 3-6; see Figures 4A and 4B); means (52) (i.e. speech recognition circuit) for retrieving said at least one message; means (50) (i.e. speech synthesizer circuit) for transmitting said at least one message to a user (col. 3 lines 3-6; see Figures 4A and 4B); and at least one motion detector (64) (i.e. motion sensor) for detecting motion within a selected range of said communication system, wherein said means (i.e. a memory) for retrievably storing said message, said means (52) (i.e. speech recognition circuit) for retrieving said message and said means (50) (i.e. speech synthesizer circuit) for transmitting said message to a user are in communication with said at least one motion detector (64) (i.e. motion sensor), and wherein said at least one motion detector (64) (i.e. motion sensor) transmits a signal upon detection of motion within said selected range of said communication system and activates said means for transmitting said at least one message (col. 3 lines 1-46; see Figures 3-4B);
- b. retrievably storing a message (col. 3 lines 1-10);

- c. detecting the presence of a user via said motion detector (col. 3 lines 32-37); and
- d. transmitting said message to the user (col. 3 lines 1-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Duncan (US# 5,949,852).

Referring to claim 9, Knuth et al. disclose the communication system for managing messages of claim 1 above. Knuth et al. disclose wherein said means (32) (i.e. record and playback means) for retrievably storing at least one message is a recording unit, said recording unit enabling receipt, storage and playback of a plurality of messages (col. 3 lines 1-9; see Figure 1);

Art Unit: 2635

and wherein said means (32) (i.e. record and playback means) for retrieving said at least one message and said means (32) (i.e. record and playback means) for transmitting said at least one message to a user comprise a microprocessor (32) (i.e. microprocessor), wherein said microprocessor (32) receives said signal from said at least one motion detector (42) (i.e. proximity sensor) and wherein said microprocessor (32) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) (i.e. microphone) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30) (i.e. a speaker), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42), wherein said speaker (30) audibly announces information regarding status and operation of said recording unit (32) (i.e. record and playback unit), and wherein said speaker (30) is responsive to said microprocessor (18) via said voice control system (36) and audibly communicates each message of said plurality of messages received and stored by said recording unit (32) (col. 2 line 60 to col. 3 line 32; see Figures 1-2).

However, Knuth et al. did not explicitly disclose a message monitoring means.

In the same field of endeavor of answering machine system, Duncan discloses a message monitoring means (112) (i.e. a message counter) (col. 4 lines 8-11; see Figures 1-2) in order to keep count of the total number of messages stored in the system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a message counter disclosed by Duncan

into electronic answering device of Knuth et al. with the motivation for doing so would allow the count of messages stored in the system.

Referring to claim 10, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 9, Duncan discloses further wherein said message monitoring means is an event counter (112) (i.e. a message counter), wherein said event counter increases by an incremental unit for each said message of said plurality of messages received and stored by said recording unit, and wherein said event counter decreases by said incremental unit for each said message of said plurality of messages deleted from said plurality of messages received and stored by said recording unit (col. 4 lines 8-11; see Figures 1-2).

Referring to claim 12, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 9, Knuth et al. disclose wherein said recording unit receives each said message of said plurality of messages at least from incoming telephone messages (col. 2 lines 10-15).

Referring to claim 13, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 9, Knuth et al. disclose wherein said recording unit receives each said message of said plurality of messages at least from said microphone (col. 3 lines 10-16).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Duncan (US# 5,949,852) as applied to claim 10 above, and further in view of Van Ryzin et al. (US# 6,353,659).

Referring to claim 11, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 10 above. However, Knuth et al. in view of Duncan did not explicitly disclose wherein said voice control system, said recording unit, said microprocessor, said speaker and said event counter are carried within a housing unit.

In the same field of endeavor of answering machine apparatus, Van Ryzin et al. disclose wherein said voice control system, said recording unit (28) (i.e. recording and reproducing device), said microprocessor (12) (i.e. processor), said speaker (32) (i.e. speaker) and said event counter (34) (i.e. counter) are within an circuit (col. 3 lines 8-23; see Figure 1) of a message machine apparatus (10) in order to record and reproduce messages.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said voice control system, said recording unit, said microprocessor, said speaker and said event counter are carried within a housing unit of message machine apparatus (10) disclosed by Van Ryzin et al. into electronic answering device of Knuth et al. in view of Duncan with the motion for doing so would allow more convenience, less space and cost to produce an answering device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 7, Knuth et al. disclose the communication system for managing messages of claim 1 above. However, Knuth et al. did not explicitly disclose wherein each said message of said plurality of messages may be delivered to a user at a designated date.

In the same field endeavor of reminding message system, Hartstein teaches wherein each said message of said plurality of messages may be delivered to a user at a designated date (col. 4 lines 20-23) in order to remind a person on that specific date and time of a plan or event.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include plurality of messages may be delivered to a user at a specific date and/or time disclosed by Hartstein into electronic answering device of Knuth et al. with the motion for doing so would allow the message to play on that date and time to remind the user of his/her plan.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Duncan (US# 5,949,852) and Irribarren (US# 5,349,636).

Referring to claim 14, Knuth et al. disclose the communication system for managing messages of claim 1, Knuth et al. disclose wherein said means (32) (i.e. record and playback means) for retrieving said message and said means (32) (i.e. record and playback means) for transmitting said message to a user comprise a microprocessor (18) (i.e. microprocessor), wherein said microprocessor (18) receives said signal from said at least one motion detector (42) (i.e. proximity sensor), wherein said microprocessor (18) includes communication software (i.e. user and device used communication software to communicate to each other) for controlling communications in a telephone system (col. 4 lines 5-50), and wherein said microprocessor (18) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42), wherein said speaker (30) audibly announces information regarding status and operation of a voice mail system (i.e. see Figure 1), and wherein said speaker (30) is responsive to said microprocessor (18) via said voice control system and audibly communicates each message of said plurality of messages received and stored by the voice mail system (col. 2 lines 7-19, col. 2 line 57 to col. 3 line 32 and col. 4 lines 5-50; see Figure 1).

However, Knuth did not explicitly disclose a message monitoring means, wherein said message monitoring means responds to an audible indicator of the voice mail

system to indicate the presence of at least one message received and stored by the voice mail system, and wherein said voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of answering machine system, Duncan discloses a message monitoring means, wherein said message monitoring means (112) (i.e. a counter) responds to an audible indicator of the voice mail system to indicate the presence of at least one message received and stored by the voice mail system (col. 3 line 66 to col. 4 line 14) in order to count the total of messages stored in the memory.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the message counter to keep count of the total number of messages stored in the system disclosed by Duncan into electronic answering device of Knuth et al. with the motion for doing so would allow the device with an audio indication of messages stored within.

However, Knuth et al. in view of Duncan did not explicitly disclose wherein said voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of voice message system, Irribarren teaches voice mail systems interface enabling said microprocessor (414) to utilize an external telephone line to access and operate the voice mail system (col. 6 lines 57 to col. 7 line 7; see Figure 4) in order to access the voice mail from the phone line.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system disclosed by Irribarren into voice system of Knuth et al. in view of Duncan with the motivation for doing so would allow the user to access the voice message system from different telephone lines.

Referring to claim 15, Knuth et al. in view of Duncan and further in view of Irribarren disclose the communication system for managing messages of claim 14, Irribarren discloses wherein said microprocessor (414) converts said commands received from said voice control system into corresponding tone frequencies of a telephone keypad (col. 6 line 57 to col. 7 line 7; see Figure 4).

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636).

Referring to claim 16, Knuth et al. disclose the communication system for managing messages of claim 1, Knuth et al. disclose wherein said means (i.e. record and playback unit) for retrieving said message and said means (i.e. record and playback unit) for transmitting said message to a user comprise a microprocessor (18), wherein said microprocessor (18) receives said signal from said at least one motion detector

Art Unit: 2635

(42) (i.e. proximity sensor) and wherein said microprocessor (18) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42) (col. 2 lines 7-19, col. 2 line 57 to col. 3 line 32 and col. 4 lines 5-50; see Figure 1).

However, Knuth et al. did not explicitly disclose wherein said speaker audibly announces information regarding status and operation of an electronic mail system, and wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system, and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system.

In the same field of endeavor of electronic mail notification device, Ito et al. teach wherein said speaker audibly announces information regarding status and operation of an electronic mail system (page 5, paragraph 69) in order to hear the announcing of a call or an electronic mail.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a speaker audibly announces information regarding status and operation of an electronic mail system disclosed by Ito et al. into electronic answering device of Knuth et al. with the motion for doing so would allow the user the arrival of electronic mails.

However, Knuth et al. in view of Ito et al. did not explicitly disclose wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system, and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system.

In the same field of endeavor of retrieving message system, Irribarren teaches wherein said speaker is responsive to said microprocessor (404) (i.e. microprocessor) via said voice control system (500) (i.e. voice message system) and audibly communicates each message of said plurality of messages received and stored (i.e. in CPU memory 420) by the electronic mail system (500) (col. 6 line 57 to col. 30); and message monitoring means, wherein said message monitoring means (504) (i.e. means indication of number of messages) responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the

electronic mail system; and wherein said means for retrievably storing a message is a computer unit interface (108) (i.e. host computer), said computer unit interface (108) enabling said microprocessor (414) to access and operate the electronic mail system (col. 3 line 55 to col. 4 line 5 and col. 7 lines 1-4; see Figures 2-5) in order for the user to have both options of text and voice message access.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system; and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system disclosed by Irribarren into messaging system of Knuth et al. in view of Ito et al. with the motivation for doing so would allow the user to access both text and electronic mail system.

Referring to claim 17, Knuth et al. in view of Ito et al. and further in view of Irribarren disclose the communication system for managing messages of claim 16. Irribarren discloses wherein said microprocessor includes software enabling said microprocessor to direct the electronic mail system via said computer unit interface,

wherein said verbal commands from said voice control system are utilized for operative control of a computer unit (col. 5 lines 35-40)

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636) as applied to claim 17 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 18, Knuth et al. in view of Ito et al. and Irribarren disclose the communication system for managing messages of claim 17. However, Knuth et al. in view of Ito et al. and Irribarren did not explicitly disclose wherein said verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit.

In the same field of endeavor of motion detecting system, Hartstein teaches verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit (col. 3 lines 33-38; see Figure 3) in order to sense the movement of a person within the area of the computer system (30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit

disclosed by Hartstein into messaging system of Knuth et al. in view of Ito et al. and Irribarren with the motivation for doing so would allow the motion detector sensing is applied to the computer system.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636) as applied to claim 16 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 19, Knuth et al. in view of Ito et al. and Irribarren disclose the communication system for managing messages of claim 16. However, Knuth et al. in view of Ito et al. and Irribarren did not explicitly disclose further comprising an audible reminder, wherein said audible reminder is programmable for delivery at a specified time.

In the same field endeavor of reminding message system, Hartstein teaches an audible reminder, wherein said audible reminder is programmable for delivery at a specified time (col. 4 lines 3-23) in order to play the remind message to the person at specific date and time.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include audible reminder, wherein said audible

reminder is programmable for delivery at a specified time disclosed by Hartstein into messaging system of Knuth et al. in view of Ito et al. and Irribarren with the motivation for doing so would allow the device to remind the person an event or an appointment for that specific day and time.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartstein (US# 6,483,695) in view of Ito et al. (US# 2001/0036264) and further in view of Irribarren (US# 5,349,636).

Referring to claim 20, Hartstein discloses a communication system for managing electronic messages, comprising: at least one motion detector (64) (i.e. motion detector), wherein said at least one motion detector (64) transmits a signal upon detection of motion within a selected range of said communication system, a microprocessor (46) (i.e. a CPU), wherein said microprocessor (46) receives said signal from said at least one motion detector (64), wherein said microprocessor (46) includes software enabling said microprocessor (46) to direct the electronic mail system (i.e. email) via a computer interface unit (30) (i.e. a computer with interface unit), wherein said verbal commands from a voice control system (52) (i.e. speech recognition circuit) are utilized for operative control of a computer unit (30) (i.e. a computer), and wherein said microprocessor (46) receives commands from said voice control system (52) (i.e. speech recognition circuit) and utilizes a software programmed vocabulary to execute a control objective of each said command; a voice control system (52) (i.e. speech

recognition circuit), said voice control system (52) having a microphone (52a) (i.e. microphone), said voice control system (52) enabling a user to verbally command said microprocessor (46); and wherein said voice control system (52) receives, recognizes and interprets a plurality of voice commands and directs said microprocessor (46) in accordance with a control objective of each said voice command (col. 2 line 56 to col. 3 line 46 and col. 4 lines 3-23; see Figures 3 and 4a);

a speaker (50) (i.e. speech synthesizer), wherein said speaker is activated by said microprocessor in response to said signal from said at least one motion detector (64) (i.e. motion detector) (col. 4 lines 13-15).

a computer interface unit (30) (i.e. a computer with interface unit), said computer interface unit enabling said microprocessor (46) (i.e. a CPU) to access and operate the electronic mail system (i.e. email) (col. 3 lines 35-46);

an audible reminder, wherein said audible reminder is programmable for delivery at a specified time (col. 4 lines 3-23); and

a timer apparatus, wherein operation of said at least one motion detector may be selectively limited to at least one specified interval of said timer apparatus (col. 3 lines 35-43).

However, Hartstein did not explicitly disclose wherein said speaker audibly announces information regarding status and operation of an electronic mail system, and wherein said speaker is responsive to said microprocessor via said voice control system and audibly

communicates each message of said plurality of messages received and stored by the electronic mail system; a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system.

In the same field of endeavor of electronic mail notification device, Ito et al. teach wherein said speaker (41) (i.e. speaker) audibly announces information regarding status and operation of an electronic mail system (page 5, paragraph 69) in order to hear the announcing of a call or an electronic mail.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a speaker audibly announces information regarding status and operation of an electronic mail system disclosed by Ito et al. into electronic messaging system of Hartstein with the motivation for doing so would allow the person to recognize of incoming messages.

However, Hartstein in view of Ito et al. did not explicitly disclose wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system.

In the same field of endeavor of retrieving message system, Irribarren teaches wherein said

speaker (113) (i.e. a telephone with speaker) is responsive to said microprocessor (414) (i.e. a CPU) via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system(100) (i.e. text message system); a message monitoring means (504) (i.e. means indication of number of messages), wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system (col. 6 lines 61-67 and col. 7 lines 2-4; see Figures 3-4) in order to check the text message.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system disclosed by Irribarren into electronic messaging system of Hartstein with the motivation for doing so would allow the user to know the status of the electronic mail.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US# 5,604,791) discloses single line telephone answering system with access security features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au



MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

